

**REMARKS**

Claims 1-24 are pending in the application.

Claims 1-24 have been rejected.

Claims 1-24 remain pending in this application.

Reconsideration of the claims is respectfully requested.

I. **CLAIM REJECTIONS -- 35 U.S.C. § 103**

Claims 1-18 and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,173,910 to *Goodman* (hereinafter “Goodman”) in view of U.S. Patent Publication No. 2002/0145979 to *Baj* (hereinafter “Baj”). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodman in view of Baj, and further in view of U.S. Patent Publication No. 2002/0114317 to *Dorenbosch, et al.* (hereinafter “Dorenbosch”). The Applicants respectfully traverse the rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-133 (8<sup>th</sup> ed. rev. 4, October 2005). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

The Applicants respectfully submit that the cited references fail to teach or suggest all the claim elements of Claim 1. Specifically, Claim 1 recites "wherein the test controller comprises a simulator that coordinates verification of a voice and a signaling functionality of the telecommunication device."

The Office Action appears to suggest that the probes 14 of Goodman read upon the claimed test controller. The section of Goodman cited in the Office Action, for example, states:

Although not shown, it will be understood that the test probes 14 further include the necessary hardware and software required to support applicable network layer protocols. In addition, and specifically in support of voice call quality testing, each test probe 14 includes a call generator. In one embodiment, the call generator provides a complete H.323 implementation package that is capable of initiating and responding to calls. The package thus simulates an H.323 terminal generating calls with (or without) a VOIP gateway, as well as opening logical channels and transmitting RTP voice packets. Other VOIP protocols, such as SIP and MGCP (as discussed above), can be used instead of or in addition to H.323.

However, the Applicants respectfully submit that the probes 14 of Goodman simply support voice call quality testing. The Applicants are unable to find any teaching or suggestion that the probes 14 of Goodman verify a signaling function of the telecommunication device as expressly recited in Claim 1.

In distinct contrast to Goodman, Paragraphs [0026] to [0027] of the Applicants' published application, for example, state:

[0026] The testing of telecommunication device 210 is performed by test controller 240. Test controller 240 includes a software simulator that coordinates the

verification of both the voice and signaling functionality of telecommunication device 210. Test controller 240 has a signaling connection to telecommunication device 210 to send and receive signaling messages to and from telecommunication device 210 over a signaling path (indicated by the dotted line). For example, test controller 240 is configured to send a signaling message to device controller 220 within telecommunication device 210 that instructs device controller 220 to set-up a test call using one or more voice paths within switching fabric 230. As another example, test controller 240 is configured to receive a signaling message from device controller 220 within telecommunication device 210 indicating whether the attempted call set-up failed or succeeded. Thus, test controller 240 simulates the interface to telecommunication device 210 using the appropriate protocol for telecommunication device 210.

[0027] To test the functionality of telecommunication device 210, two Internet Protocol (IP) terminals 270 and 280 are used in place of expensive equipment, such as BTS, BSC and mobile stations of a mobile voice communication system. In an exemplary embodiment, IP terminals 270 and 280 are Session Initiation Protocol (SIP) phones. SIP is a signaling protocol for managing and terminating voice and video sessions across packet networks, such as IP network 260. IP network 260 can be, for example, a local area network (LAN). As used herein, the term "SIP" refers to the standard published in the Internet Engineering Task Force (IETF) RFC 3261, June 2002, or later version.

Accordingly, for at least the reasons established above, the Applicants respectfully submit that Claim 1 is patentable over the cited references.

Independent Claims 9 and 20 recite elements analogous to the novel elements emphasized above in traversing the rejection of Claim 1 and, therefore, also are patentable over the cited references. Additionally, Claims 2-8, Claims 10-19 and Claims 21-24 depend from Claims 1, 9, and 20, respectively, and include all the elements of their respective base claims. As such, Claims 2-8, 10-19, and 21-24 also are patentable over the cited references.

Accordingly, the Applicants respectfully request withdrawal of the § 103 rejections with respect to Claims 1-24.

**CONCLUSION**

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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